has also rejected claims 11, 14, 21 and 26 as allegedly indefinite and objected to claims 44, 46-49 and 52 for being dependent on a rejected base claim.

By the foregoing, Applicants have amended claims 21, 26 and 38 and added new claims 53 and 54. Support for new claims 53 and 54 can be found on page 20, first paragraph of the instant application. Accordingly, claims 1-42, 44 and 46-54 are pending in the present application. Reconsideration and withdrawal of the outstanding rejections in view of the foregoing amendments and the remarks set forth below are respectfully requested.

Obviousness-type Double Patenting

The examiner has rejected all pending claims under the judicially created doctrine of obviousness-type double patenting, as allegedly unpatentable over claims 1-37 of U.S. 09/597,580 (office action at 3). The examiner has cited the serial number of the present application and applicants are therefore unclear as to what reference provides the basis for this rejection. A telephone call was made to the examiner and supervising examiner, but did not result in a clarification.

Claim Objections

With regard to the Examiner's objection to claims 44, 46-49 and 52, detailed in paragraph 8 of the instant office action, it is unclear how rewriting the claims in independent form will render the claims allowable. It is noted that claims 44, 46-49 and 52 were also rejected under the judicially created doctrine of obviousness-type double patenting and therefore merely rewriting the claims may not obviate the rejection.

Applicants have amended claim 38 to more clearly define the present invention. Support for this amendment can be found throughout the specification. *See*, for example, page 4, first paragraph.

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Claim Rejections 35 U.S.C. § 112

On page 4 of the office action, the examiner has rejected claims 11, 14, 21 and 26 under 35 U.S.C. § 112, second paragraph for indefiniteness.

Specifically, the examiner has rejected claims 11 and 14, asserting that it is allegedly unclear which portion of the original structure remains in the different analogs and derivatives recited in the instant invention and that "it is unclear what antagonists and hormones Applicant is referring to" (office action at 4).

Applicants respectfully assert that ethylenimine derivatives, folic acid analogs, pyrimidine analogs, purine analogs and methyl hydrazine derivatives are drugs known to have cytotoxic effects on a cell and one of ordinary skill in the art would understand what is meant by ethylenimine derivatives, folic acid analogs, pyrimidine analogs, purine analogs and methyl hydrazine derivatives. Goodman *et al.*, sets forth many of such cytotoxic agents useful in accordance with the present invention. Additionally, the hormones and antagonists suitable for the present invention include those that have a cytotoxic effect on a cell. Exemplary hormones and antagonists are described on page 20, first paragraph of the instant application.

The examiner has also rejected claims 21 and 26 for allegedly reciting an element that is not a positive limitation. Accordingly, applicants have replaced "capable of specifically binding" with "specifically binds" in claims 21 and 26.

CONCLUSION

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and arguments.

It is respectfully urged that the present application is now in condition for allowance. Early notice to that effect is earnestly solicited.

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The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date April 10, 2002 By Stephen B Maebius

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

21. **(Amended)** The composition of claim 20, wherein said antibody is a bispecific antibody that specifically binds [capable of specifically binding] to at least one epitope on said marker substance and to said low molecular weight hapten.

26. **(Amended)** The composition of claim 25, wherein said targeting moiety specifically binds [is capable of specifically binding] to at least one epitope on said marker substance and to said low molecular weight hapten.

38. **(Amended)** A composition for effecting therapy of a tumor or an infectious disease in a patient, comprising:

(A) a first conjugate comprising a targeting moiety, a first member of a binding pair, and a first therapeutic agent, wherein the targeting moiety is multivalent and selectively binds to multiple epitopes of a marker substance produced by or associated with the tumor or infectious disease causing agent or binds to multiple marker substances produced by or associated with the tumor or infectious disease causing agent,

(B) optionally, a clearing agent; and

(C) a second conjugate comprising a complementary member of said binding pair and a second therapeutic agent, wherein the second therapeutic agent is the same as or different from the first therapeutic agent,

wherein the binding pair is selected from the group consisting of (a) complementary DNA fragments, (b) complementary peptide oligonucleotides, and (c) corresponding enzymes and prodrug substrates.

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